APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,499	04/09/2004	James D. Webb	P0011232.00	1416

27581   7590   06/30/2008
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EXAMINER
COBANOGLU, DILEK B

ART UNIT	PAPER NUMBER
3626	

MAIL DATE	DELIVERY MODE
06/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/821,499	WEBB ET AL.
	Examiner	Art Unit	
	DILEK B. COBANOGLU	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 June 2008</u>.

2a)☐ This action is **FINAL**.　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 and 4-20</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 and 4-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/11/2005, 11/02/2007</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the after final received on 6/21/2008.

Response to Arguments

2.   Applicant's arguments filed 6/21/2008 about the finality of the previous action

have been considered. The argument is persuasive and Examiner replaces the previous

final action with this non-final office action.

3.   Applicant's arguments with respect to claim 1 have been considered but are moot

in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1, 4-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nelson et al. (hereinafter Nelson) (U.S. Patent No. 6,480,745 B2), Stawikowski et al.

(hereinafter Stawikowski) (U.S. Patent Publication No. 2002/0046239 A1) and further in

view of Trusheim et al. (hereinafter Trusheim) (U.S. Patent No. 6,385,589 B1).

        A.   Claim 1 has been amended now to recite a system for exchanging

        medical data, the data exchange system comprising:

i.   means for acquiring medical data (Nelson; col. 5, lines 14-31);

ii.   means for handling medical data wherein medical data may be
stored, analyzed, or displayed (Nelson; col. 7, lines 21-39);

iii.   a plurality of web services for performing a data exchange function
between the means for acquiring medical data and the means for handling
medical data, wherein one of the web services is a translation web service
having an input method for receiving medical data in a first format and an
output method for returning medical data to an invoking application in a
second format.

   Nelson fails to expressly teach a plurality of web services for
   performing a data exchange function between the means for
   acquiring medical data and the means for handling medical data.
   However, this feature is well known in the art, as evidenced by
   Stawikowski.
   In particular, Stawikowski discloses a plurality of web services for
   performing a data exchange function between the means for
   acquiring medical data and the means for handling medical data
   (Stawikowski; abstract, paragraphs: 0001-0002, 0004-0005).
   It would have been obvious to one having ordinary skill in the art at
   the time of the invention to include the aforementioned limitation as
   disclosed by Stawikowski with the motivation of to be able to

exchange data directly on an IP network (Stawikowski; paragraph: 0006).

Nelson fails to expressly teach <u>a translation web service having an input method for receiving medical data in a first format and an output method for returning medical data to an invoking application in a second format</u>. However, this feature is well known in the art, as evidenced by Trusheim.

In particular, Trusheim discloses <u>a translation web service having an input method for receiving medical data in a first format and an output method for returning medical data to an invoking application in a second format</u> (Trusheim; col. 8, lines 1-15, col. 11, line 25 to col. 12, line 11, fig. 3).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Trusheim with the motivation of translation data files into a common format (Trusheim; col. 8, lines 1-15).

The same motivation is appropriate for dependant claims 4-18.

B.   Claim 4 has been amended now to recite the system of claim 1 and Stawikowski discloses <u>the plurality of</u> web services <u>further includes</u> an analysis web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006).

C.   Claim 5 recites the system of claim 4, Stawikowski discloses the analysis web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006) and Nelson

discloses an analysis method for performing a requested data analysis function on the specified data and returning the analysis results to an invoking application (Nelson; col. 7, lines 7-21, col. 11, lines 11-45).

D.   Claim 6 has been amended now to recite the system of claim 1, Stawikowski discloses the plurality of web services further includes a storage web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006).

E.   Claim 7 recites the system of claim 6, Stawikowski discloses a storage web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006) and Nelson discloses a method for writing data to a data storage system (Nelson; col. 10, line 59 to col. 11, line 10).

F.   Claim 8 recites the system of claim 6, Stawikowski discloses a storage web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006) and Nelson discloses a method for retrieving data from a data storage system (Nelson; col. 10, line 59 to col. 11, line 10).

G.   Claim 9 recites the system of claims 7 or 8, wherein the data storage system is any of a relational database system; a file system; an XML file system, or a medical device (Nelson; col. 10, line 59 to col. 11, line 10).

H.   Claim 10 has been amended now to recite the system of claim 1 wherein the plurality of web services further includes a multifunction web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006).

I.   Claim 11 recites the system of claim 10 wherein the multifunction web
service invokes any of a translation web service, an analysis web service, and a
storage web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006).

J.   Claim 12 recites the system of claim 11 wherein the multifunction web
service is a data log service for informing a first data storage system of a new
data set entered into a second data storage system (Stawikowski; paragraph:
0031, 0036).

K.   Claim 13 recites the system of claim 12 wherein a new data set comprises
a record of a monitoring session performed by a medical device (Nelson;
abstract, col. 10, line 59 to col. 11, line 10).

L.   Claim 14 recites the system of claim 11 wherein the multifunction web
service is a session retrieval service (Stawikowski; paragraph: 0031, 0036) and
for retrieving monitoring session data recorded by a medical device and stored in
a data storage system (Nelson; abstract, col. 10, line 59 to col. 11, line 10).

M.   Claim 16 recites the system of claim 1 wherein the means for acquiring
medical data is an external medical device having telemetric communication with
an implantable medical device for receiving data from the implantable medical
device and storing the data (Nelson; abstract, col. 10, line 59 to col. 11, line 10).

N.   Claim 17 recites the system of claim 1 wherein the means for acquiring
medical data is an external monitoring or therapy delivery device capable of
acquiring and storing medical data (Nelson; abstract, col. 5, line 66 to col. 6, line
34).

O.   Claim 18 recites the system of claim 1 wherein the means for acquiring

medical data is an implantable medical device (Nelson; abstract, col. 5, line 66 to

col. 6, line 34).

P.   Claim 19 has been amended now to recite a system for exchanging

medical data, the data exchange system comprising:

      i.   a first means for handling medical data wherein medical data may

be stored, analyzed or displayed and wherein first medical data handling

means is provided with a communication connection (Nelson; abstract,

col. 5, lines 14-31, col. 7, lines 21-39);

      ii.   a second means for handling medical data wherein medical data

may be stored, analyzed, or displayed and wherein second medical data

handling means is provided with a communication connection (Nelson;

abstract, col. 5, lines 14-31, col. 7, lines 21-39);

      iii.   a plurality of web services for performing a data exchange function

between the first and second data handling means via a communication

connection, wherein one of the web services is a translation web service

having an input method for receiving medical data in a first format and an

output method for returning medical data to an invoking application in a

second format.

          The obviousness of modifying the teaching of Nelson to include the

one or more web services for performing a data exchange function

(as taught by Stawikowski and Trusheim) is as addressed above in

the rejection of claim 1 and incorporated herein.

S.   Claim 20 has been amended now to recite a system for exchanging data

between a medical device and a remote data handling system, the data

exchange system comprising:

    i.   a medical device capable of storing medical data and transferring

the data via a communication connection (Nelson; abstract, col. 5, lines

14-30, col. 5, lines 14-31, col. 7, lines 21-39);

    ii.   means for electronically storing data in a remote data handling

system and for receiving data from the medical device via the

communication connection (Nelson; abstract, col. 5, lines 14-30, col. 5,

lines 14-31, col. 7, lines 21-39);

    iii.   <u>a plurality of</u> web services for performing a data exchange function<u>,</u>

<u>wherein one of the web services is a translation web service having an</u>

<u>input method for receiving medical data in a first format and an output</u>

<u>method for returning medical data to an invoking application in a second</u>

<u>format,</u> wherein the web service may be invoked by an application running

on the medical device or on the remote data handling system to allow data

to be exchanged between the medical device and the remote data

handling system.

The obviousness of modifying the teaching of Nelson to include the

one or more web services for performing a data exchange function

(as taught by Stawikowski) and having a translation web service (as

taught by Trusheim) is as addressed above in the rejection of claim

1 and incorporated herein.

6.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson

et al. (hereinafter Nelson) (U.S. Patent No. 6,480,745 B2), Stawikowski et al.

(hereinafter Stawikowski) (U.S. Patent Publication No. 2002/0046239 A1), Trusheim et

al. (hereinafter Trusheim) (U.S. Patent No. 6,385,589 B1) and further in view of Official

Notice.

A.   Claim 15 recites the system of claim 11 wherein the multifunction web

service is an enrollment web service for registering a patient or medical device

record newly enrolled in a first data storage system into a second data storage

system.

Nelson does not explicitly disclose an enrollment web service for

registering a patient or medical device.

However, the Examiner takes official notice that it was well known

in the information network arts to registering a patient and/or

medical device in a web service. The motivation would have been

to obtain and provide information about the patient and/or the

medical device securely and more efficiently.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. The cited but not used prior art teach System and method for

interacting with legacy healthcare database systems 20030200226, Method and system

for automating generation of web services from existing service components

20040030740, Modeling and using computer resources over a heterogeneous

distributed network using semantic ontologies 20040054690, Remote multi-purpose

user interface for a healthcare system 20040172301, Creating web services programs

from other web services programs 20040199896.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DILEK B. COBANOGLU whose telephone number is

(571)272-8295. The examiner can normally be reached on 8-4:30.

9.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher L. Gilligan can be reached on 571-272-6770. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

10.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. B. C./
Examiner, Art Unit 3626
6/25/2008

/C Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626